

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Leonard L. Kenney

v.

Civil No. 06-cv-001-PB

N.H. Department of Corrections,
Commissioner, et al.

O R D E R

Plaintiff moved to amend his complaint to add Joyce A. Leeka as a defendant. He alleged that she decided that:

“. . . the petitioner . . . does not meet the
State of New Hampshire Hepatitis C treatment
state protocol . . .”

In its objection defendants stated:

“Joyce Leeka does not make treatment
decisions . . . but Dr. Englander makes
treatment decisions based on prison
protocol.”

They further stated that Leeka shouldn't be made a defendant, that she is only the messenger for the decision maker.

In reliance on defendants' judicial admission that Dr. Englander, not Ms. Leeka, denied the treatment to petitioner, I denied the motion. “The treatment” in that admission means “treatment combination therapy (Peginterferon/Ribavirin)”; not any or other treatment.

Granted as set forth.

SO ORDERED.


James R. Muirhead
United States Magistrate Judge

Date: May 16, 2006

cc: Leonard L. Kenney, *pro se*
Daniel J. Mullen, Esq.